

10-26-04

AF # / IAW

Attorney Docket No. 9022-20

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Schwarz  
Serial No.: 09/733,306  
Filed: December 8, 2000  
For: *METHODS OF FACILITATING VASCULAR GROWTH IN CARDIAC  
MUSCLE AND METHODS FOR THE PRODUCTION OF RECOMBINANT  
EMAP II*

Confirmation No. 3192  
Group Art Unit: 1635  
Examiner: Janet L. Epps Ford

October 25, 2004

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC §134, 37 CFR 1.191, and MPEP §1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the final Office Action dated April 26, 2004, at least twice rejected or finally rejecting Claims 1-4, 6-14 and 16-19.

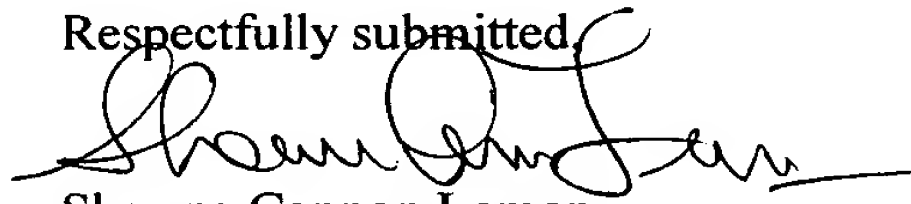
- ☒ Enclosed is a check including the amount of \$170.00 for the Appeal fee as provided by 37 C.F.R. § 1.17(b). Applicant claims small entity status. See 37 CFR 1.27
- ☐ Payment by credit card is requested. Form PTO-2038 is attached.
- ☒ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.
- ☐ Also enclosed: \_\_\_\_\_
- ☒ The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0220.

~~10/27/2004 MAHME1 00000001 09733306~~

~~01/28/2005~~

~~10/26/2004~~

Respectfully submitted,

  
Shawna Cannon Lemon  
Registration No. 53,888

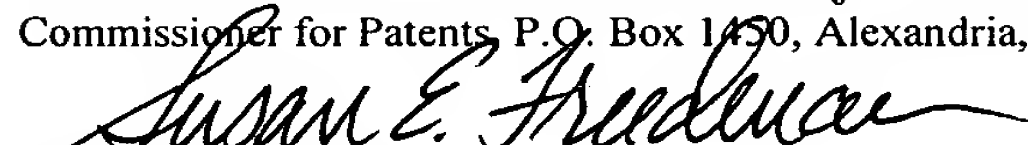
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**CERTIFICATE OF EXPRESS MAILING**

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Date of Deposit: October 25, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Susan E. Freedman

Date of Signature: October 25, 2004

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